

By: Hall

S.B. No. 2099

A BILL TO BE ENTITLED

AN ACT

relating to the authority of the Railroad Commission of Texas to enforce requirements for the prevention of damage to interstate and intrastate underground facilities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 251, Utilities Code, is amended by adding Section 251.0021 to read as follows:

Sec. 251.0021. RAILROAD COMMISSION AUTHORITY. (a) For the purposes of 49 U.S.C. Section 60101 et seq., the Railroad Commission of Texas is responsible for statewide enforcement of this state's requirements for the prevention of damage to interstate and intrastate underground facilities, as authorized under Section 756.126, Health and Safety Code, Section 117.012, Natural Resources Code, and Section 121.201, Utilities Code.

(b) The authority described in Subsection (a) is in addition to the authority granted to county attorneys, district attorneys, and the board of directors of the corporation under Subchapter E.

SECTION 2. Section 756.126, Health and Safety Code, is amended to read as follows:

Sec. 756.126. SAFETY STANDARDS AND BEST PRACTICES. The Railroad Commission of Texas shall adopt and enforce rules prescribing safety standards and best practices, including those described by 49 U.S.C. Section 6105 et seq., relating to the prevention of damage by a person to a facility, including an

1 interstate or intrastate pipeline facility, under the jurisdiction
2 of the commission.

3 SECTION 3. Section 117.012, Natural Resources Code, is
4 amended by amending Subsection (a) and adding Subsection (a-1) to
5 read as follows:

6 (a) The commission shall adopt rules that include:

7 (1) safety standards applicable to the intrastate
8 transportation of hazardous liquids or carbon dioxide by pipeline
9 and intrastate hazardous liquid or carbon dioxide pipeline
10 facilities; and

11 (2) [~~, including~~] safety standards related to the
12 prevention of damage to interstate and intrastate hazardous liquid
13 or carbon dioxide pipeline facilities [~~such a facility~~] resulting
14 from the movement of earth by a person in the vicinity of such a
15 [~~the~~] facility, other than movement by tillage that does not exceed
16 a depth of 16 inches.

17 (a-1) Rules adopted under Subsection (a) [~~this subsection~~]
18 that apply to the intrastate transportation of hazardous liquids
19 and carbon dioxide by gathering pipelines in rural locations and
20 intrastate hazardous liquid and carbon dioxide gathering pipeline
21 facilities in rural locations must be based only on the risks the
22 transportation and the facilities present to the public safety,
23 except that the commission shall revise the rules as necessary to
24 comply with Subsection (c) and to maintain the maximum degree of
25 federal delegation permissible under 49 U.S.C. Section 60101 et
26 seq., or a succeeding law, if the federal government adopts rules
27 that include safety standards applicable to the transportation and

1 facilities.

2 SECTION 4. Section 121.201(a), Utilities Code, is amended
3 to read as follows:

4 (a) The railroad commission may:

5 (1) by rule prescribe or adopt safety standards for
6 the transportation of gas and for gas pipeline facilities,
7 including safety standards related to the prevention of damage to
8 an interstate or intrastate gas pipeline ~~[such a]~~ facility
9 resulting from the movement of earth by a person in the vicinity of
10 the facility, other than movement by tillage that does not exceed a
11 depth of 16 inches;

12 (2) by rule require an operator that does not file
13 operator organization information under Section 91.142, Natural
14 Resources Code, to provide the information to the commission in the
15 form of an application;

16 (3) by rule require record maintenance and reports;

17 (4) inspect records and facilities to determine
18 compliance with safety standards prescribed or adopted under
19 Subdivision (1);

20 (5) make certifications and reports from time to time;

21 (6) seek designation by the United States secretary of
22 transportation as an agent to conduct safety inspections of
23 interstate gas pipeline facilities located in this state;

24 (7) by rule take any other requisite action in
25 accordance with 49 U.S.C. Section 60101 et seq. and its subsequent
26 amendments or a succeeding law; and

27 (8) by rule establish safety standards and practices

for gathering facilities and transportation activities in Class 1 locations, as defined by 49 C.F.R. Section 192.5:

(A) based only on the risks the facilities and activities present to the public safety, to the extent consistent with federal law; or

(B) as necessary to maintain the maximum degree of federal delegation permissible under 49 U.S.C. Section 60101 et seq., or a succeeding law, if the federal government adopts safety standards and practices for gathering facilities and transportation activities in Class 1 locations, as defined by 49 C.F.R. Section 192.5.

SECTION 5. This Act takes effect September 1, 2017.